

**A VOLUME-BASED EXEMPTION FROM REPORTING  
REQUIREMENTS FOR CERTAIN ACCIDENTAL DISCHARGES  
OR SPILLS FROM WASTEWATER FACILITIES**

**CHAPTER 251**

S.B. No. 912

**AN ACT**

**relating to a volume-based exemption from reporting requirements for certain accidental discharges or spills from wastewater facilities.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 26.039, Water Code, is amended by amending Subsections (b) and (e) and adding Subsections (g), (h), (i), and (j) to read as follows:

(b) *Except as provided by Subsection (g), whenever [Whenever] an accidental discharge or spill occurs at or from any activity or facility which causes or may cause pollution, the individual operating, in charge of, or responsible for the activity or facility shall notify the commission as soon as possible and not later than 24 hours after the occurrence. The individual's notice to the commission must include the location, volume, and content of the discharge or spill.*

(e) *Except as provided by Subsection (g), if [If] an accidental discharge or spill described by Subsection (b) from a wastewater treatment or collection facility owned or operated by a local government may adversely affect a public or private source of drinking water, the individual shall also notify appropriate local government officials and local media.*

(g) *The individual is not required to notify the commission of an accidental discharge or spill of treated or untreated domestic wastewater under Subsection (b) or officials or media under Subsection (e) of a single accidental discharge or spill that:*

(1) *occurs at a wastewater treatment or collection facility owned or operated by a local government;*

(2) *has a volume of 1,000 gallons or less;*

(3) *is not associated with another simultaneous accidental discharge or spill;*

(4) *is controlled or removed before the accidental discharge or spill:*

(A) *enters water in the state; or*

(B) *adversely affects a public or private source of drinking water;*

(5) *will not endanger human health or safety or the environment; and*

(6) *is not otherwise subject to local regulatory control and reporting requirements.*

(h) *The commission by rule shall establish standard methods for calculating the volume of an accidental discharge or spill to be used for the purposes of this section.*

(i) *The individual shall calculate the volume of an accidental discharge or spill using an established standard method to determine whether the discharge or spill is exempted under Subsection (g) from the notification requirements of this section.*

(j) *The individual shall submit to the commission at least once each month a summary of accidental discharges and spills described by Subsection (g) that occurred during the preceding month. The commission by rule shall:*

(1) *consider the compliance history of the individual; and*

(2) *establish procedures for formatting and submitting a summary, including requirements that a summary include the location, volume, and content of each accidental discharge or spill.*

SECTION 2. (a) Not later than June 1, 2016, the Texas Commission on Environmental Quality shall adopt rules necessary to implement Section 26.039, Water Code, as amended by this Act.

(b) The change in law made by this Act applies only to an offense committed on or af-

ter the effective date of a rule adopted by the Texas Commission on Environmental Quality under this section. For purposes of this section, an offense was committed before the effective date of a rule adopted by the Texas Commission on Environmental Quality under this section if any element of the offense occurred before that date.

(c) An offense committed before the effective date of a rule adopted by the Texas Commission on Environmental Quality under this section is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

Passed the Senate on April 14, 2015: Yeas 28, Nays 3; passed the House on May 19, 2015: Yeas 143, Nays 3, one present not voting.

Approved May 29, 2015.

Effective September 1, 2015.

---

## COUNCIL ON LONG-TERM CARE FACILITY SURVEYS AND INFORMAL DISPUTE RESOLUTION

### CHAPTER 252

S.B. No. 914

#### AN ACT

**relating to a council on long-term care facility surveys and informal dispute resolution.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. DEFINITIONS. In this Act:

(1) "Council" means the Long-Term Care Facility Survey and Informal Dispute Resolution Council established under this Act.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Long-term care facility" means a facility subject to regulation under Section 32.021(d), Human Resources Code, or Chapter 242, 247, or 252, Health and Safety Code.

SECTION 2. COUNCIL ESTABLISHED; MEMBERSHIP; OFFICERS. (a) Not later than December 1, 2015, the executive commissioner shall establish a Long-Term Care Facility Survey and Informal Dispute Resolution Council. The council is composed of the following members appointed by the executive commissioner:

(1) two program managers from different Department of Aging and Disability Services regions;

(2) one surveyor who has attained at least the level of investigator IV;

(3) two members of an enforcement team from different Department of Aging and Disability Services regions;

(4) three surveyors, each from a different Department of Aging and Disability Services region, at least one of whom must have a background in nursing, at least one of whom must have a background in social work, and at least one of whom must have a background in the provision of pharmacy services;

(5) one informal dispute resolution team leader;

(6) one informal dispute resolution reviewer;

(7) two owners or regional vice presidents of operation who oversee multiple long-term care facilities;